

suit brought hereunder shall have the right of appeal as provided for in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Report of Standing Committee

Senator Herring submitted the following report:

Austin, Texas,  
June 25, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Claims, to whom was referred S. B. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

#### Senate Bill 1 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 1 was ordered not printed.

#### Senate Concurrent Resolution 4

Senator Gonzalez offered the following resolution:

S. C. R. No. 4, Granting each House permission to adjourn for a period longer than three days.

Be it resolved, By the Senate of the State of Texas, the House of Representatives concurring, that either House be given permission to adjourn for a period longer than three days.

The resolution was read and was adopted.

#### Record of Votes

Senators Herring, Moffett, Phillips, Colson, Hazlewood, Willis, Crump, Hardeman, Kazen, Smith, Krueger, Roberts and Aikin asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Adjournment

On motion of Senator Hudson the Senate at 11:27 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, June 29, 1959.

#### Record of Votes

Senators Phillips, Colson, Herring, Hazlewood, Willis, Moffett, Harde-

man, Smith, Aikin, Krueger, Gonzalez, Roberts and Wood asked to be recorded as voting "Nay" on the motion to adjourn.

#### FOURTH DAY

(Monday, June 29, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

#### Absent—Excused

Hudson	Phillips
Owen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, 'Righteousness exalteth a nation; but sin is a reproach to any people.' Teach us now that our State is no better than its citizens, and no stronger than those in whom we trust with responsibilities. Make us trustworthy. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 25, 1959, was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Phillips was granted leave of absence for today on account of important business on motion of Senator Baker.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 29, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 7, Granting permission to J. W. Doremus, et al. to sue the State of Texas.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the Committees indicated:

By Senator Martin:

S. B. No. 11, A bill to be entitled "An Act to authorize the North Bosque Water Control and Improvement District to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood-water retarding structures and dams in the District constructed by the District; providing maximum amount of assessment, and when assessment may not be levied; providing purposes for which moneys derived from such assessments may be used, and their accounting; providing designation of lands benefited and amount of benefits; providing assessment lists; providing collection of assessments; providing appeals from assessments levied; providing access to lands for determination of benefits; providing that assessments shall be lien on lands benefited and personal liability of owners of land; providing a Permanent Reserve Fund and its investment; providing that all laws not in conflict herewith shall remain in force, and repealing all laws in conflict with this Act, providing validation of the District; providing for severability; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Herring:

S. B. No. 12, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution, comprising certain territory within the state to be known as 'Williamson County Water Supply District'; prohibiting the levy and collection of any form of tax; providing for the organization, government and operation of the District; providing for the incurring of obligations and the methods of paying such obligations; providing for other powers; providing for certain limitations on the power of eminent domain; making applicable to the District the general laws relating to water control and improvement districts; and enacting other provisions relating to the subject; providing a savings clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Baker:

S. B. No. 13, A bill to be entitled "An Act Amending Sec. 2 of Senate Bill 129, Chapter 116, Acts of the 56th Legislature, Regular Session (codified as Article 2367a, Vernon's Annotated Civil Statutes), to provide that the requirements thereof shall not apply to the bidding for treasurer of an independent school district, and declaring an emergency."

To the Committee on State Affairs.

#### Senate Resolution 20

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. Walter A. Schultz, Sr., Editor of the Lexington Enterprise and assistant editor of the Giddings Star; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mr. Schultz to the Members of the Senate.

**House Concurrent Resolution on First Reading**

The following resolution received from the House, was read the first time and referred to the committee indicated:

H. C. R. No. 7, To the Committee on Jurisprudence.

**Messages from the Governor**

The following messages received from the Governor today were read and were referred to the Committee on Nominations:

Austin, Texas,  
June 29, 1959.

To the Senate of the Fifty-Sixth Legislature, Second Called Session:

By way of amendment of my nominations to the Board of Directors of Texas Agricultural and Mechanical College, I submit the name of S. B. Whittenburg of Amarillo to succeed J. Harold Dunn of Amarillo, and designate the successions of members already appointed and confirmed as follows:

Sterling C. Evans to succeed W. T. Doherty; John W. Newton to succeed Jack Finney.

I ask the advice, consent and confirmation of the Senate with respect thereto.

Respectfully submitted,  
PRICE DANIEL  
Governor of Texas

Austin, Texas,  
June 29, 1959.

To the Senate of the Fifty-Sixth Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Commissioners of Pilots for the Sabine Bar, Pass and Tributaries, for two-year terms to expire June 15, 1961: A. M. Phelan of Beaumont, Jefferson County; Ben F. Shipley of Beaumont, Jefferson County; Neal D. Rader of Port Arthur, Jefferson County; Mack A. Pond of Port Arthur, Jefferson County; Howard S. Peterson of Orange, Orange County.

To be Chairman of the Joint Board of Park Commissioners, for a two-year term to expire June 29, 1961: Leonard M. Green of Dallas, Dallas County.

To be members of the Joint Board of Park Commissioners: for two-year terms to expire June 29, 1961: Fred O. Detweiler of Dallas, Dallas County; Julius Schepps of Dallas, Dallas County; James W. Aston of Dallas, Dallas County; Rufus Garrett, Jr., of Fort Worth, Tarrant County; Amon Carter, Jr., of Fort Worth, Tarrant County; Reub Berry of Fort Worth, Tarrant County. For one-year terms to expire June 29, 1960: O. B. English of Dallas, Dallas County; Charles C. Pierce of Dallas, Dallas County; Fritz Hawn of Dallas, Dallas County; Ernest J. Wilemon of Arlington, Tarrant County; Robert W. Leonard of Fort Worth, Tarrant County; Glen Woodson of Fort Worth, Tarrant County.

Respectfully submitted,  
PRICE DANIEL  
Governor of Texas

**Report of Standing Committee**

Senator Fly submitted the following report:

Austin, Texas,  
June 29, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

**House Bill 22 Ordered Not Printed**

On motion of Senator Roberts and by unanimous consent H. B. No. 22 was ordered not printed.

**Senate Resolution 21**

Senator Gonzalez offered the following resolution:

Whereas, On June 25, 1959, Senate Concurrent Resolution No. 4 passed the Senate and was referred to Committee in the House of Representatives; and

Whereas, There is an imperative need for enactment of legislation which would permit the Second Called Session of the 56th Legislature to complete its task without the necessity of a third called session; now, therefore, be it

Resolved, That the House of Rep-

representatives return Senate Concurrent Resolution No. 4.

The resolution was read and was adopted.

#### Senate Resolution 22

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Captain and Mrs. Alvin O. Preil, USNR; and

Whereas, Captain Preil was one of the Naval pilots who flew with Billy Mitchell when he demonstrated the superiority of air power over the battleship by sinking the German battleship Osferzland in 1923, and Captain Preil got the first direct hit on the Osferzland; and

Whereas, He entered the Navy in April, 1917, as a landsman for seaman and was retired, after 41 years of distinguished service, as a Captain on January 1, 1959; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Captain and Mrs. Preil to the Members of the Senate.

#### Senate Resolution 23

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Lynn Pace, Jr. and her son, Stephen Pace, of Haskell, Texas, sister and nephew of our esteemed colleague, Senator David Ratliff; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome and the privilege of the floor for the day.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented Mrs. Pace and Stephen to the Members of the Senate.

#### Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,  
June 29, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

#### Senate Bill 12 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 12 was ordered not printed.

#### House Bill 22 on Second Reading

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 22, A bill to be entitled "An Act to provide \$400,000 for the additional expenses of the Fifty-sixth Legislature by amending Section 2 of Chapter 241 (H. B. No. 755), Acts 1935, Forty-fourth Legislature, R. S., as amended by Section 2 of subdivision (b) of Section 1, Chapter 1, (H. B. No. 2), Acts 1950, Fifty-first Legislature, First Called Session, as amended by Section 1 of Article I of Chapter 404 (H. B. No. 660), Acts 1955, Fifty-fourth Legislature, R. S., as amended by Section 3 of Chapter 1 (H. B. No. 1), Acts 1959, Fifty-sixth Legislature, R. S. (codified in Vernon's Civil Statutes as Section 2 (e) of Article 7047c-1 so as to divert said amount from cigarette tax collections to the Legislative Expense Fund; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 22 on Third Reading

Senator Fly moved that the Consti-

tutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

## Absent—Excused

Hudson	Phillips
Owen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

## Absent—Excused

Hudson	Phillips
Owen	

## Senate Bill 1 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 1, A bill to be entitled "An Act directing payment of certain miscellaneous claims and judgments out of the sum appropriated for that purpose in the General Appropriation Bill for the Biennium September 1, 1959-August 31, 1961, making an appropriation for and directing payment of certain miscellaneous claims and judgments out of other funds designated herein; requiring approval of claims in the manner specified in the Act before payment is made; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 1 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

## Absent—Excused

Hudson	Phillips
Owen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 6 on Second Reading

The President laid before the Senate on its second reading and passage to third reading the following bill:

S. B. No. 6, A bill to be entitled "An Act relating to tuition and fees at State-supported institutions of higher education; amending Chapter

237, Acts of the Fortieth Legislature, 1927 (compiled as Article 2654a of Vernon's Civil Statutes of Texas; authorizing the governing boards of State educational institutions to make and collect laboratory charges, and 'breakage' or loss deposits; defining State educational institutions; defining and authorizing student service fees to be collected from students enrolled in such institutions; regulating the custody and expenditure of moneys collected through student service fees; amending Section 1 of Chapter 6, Acts of the Forty-third Legislature, First Called Session, 1933 (compiled as Section 1 of Article 2654b-1 of Vernon's Civil Statutes of Texas), relating to exemptions from the payment of fees and charges; providing an effective date; providing for severability; and declaring an emergency."

The bill was read the second time.

Senator Gonzalez raised the point of order that S. B. No. 6 was not within the subjects designated by the Governor in his Proclamation calling this Special Session; and further, that if within the Governor's call, S. B. No. 6 is a revenue raising measure and as such must originate in the House of Representatives.

The President sustained the point of order that the bill did not come within the Governor's call.

#### Recess

On motion of Senator Hardeman the Senate at 11:02 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

#### FOURTH DAY

(Continued)

(Tuesday, June 30, 1959)

#### After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

#### Leaves of Absence

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

#### Senate Resolution 24

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. Harry Joiner and J. W. Rutledge, prominent citizens of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
June 30, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has returned the following:

S. C. R. No. 4, As requested by the Senate in S. R. No. 21.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 25

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Mr. and Mrs. B. B. Hicks, and Mr. and Mrs. Donald Hicks, accompanied by Mitchell and Kenneth Beene, Jim Hicks and George Jones, all of Iola, Grimes County, Texas; and

Whereas, the presence of these fine people is evidence of their interest in better citizenship and governmental affairs. They are seeking to broaden their experiences by a visit to the State Capitol and other places of interest in this area; and

Whereas, We are delighted that these good citizens are here to observe governmental processes in action; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be mailed to them